

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW ORLEANS	OFFICE OF ORIGIN NEW ORLEANS	DATE 7/12/63	INVESTIGATIVE PERIOD 7/10/63
TITLE OF CASE "CHANGED" JOHN LEE RAY, Deputy Chief, Jackson Police Department, Jackson, Mississippi; UNKNOWN SUBJECTS; Jackson, Mississippi Police Department; ERNEST COLUMBUS WITHERS, SR. - VICTIM		REPORT MADE BY SA CHARLES WILLIAM BONE	TYPED BY lrs
		CHARACTER OF CASE CR	

The title of this case is being changed to reflect the identity of subject JOHN LEE RAY, Deputy Chief, Jackson Police Department, Jackson, Mississippi, as obtained from interview of Assistant Chief of Police M. B. PIERCE (NA), Jackson, Mississippi Police Department.

REFERENCES:

Bureau airtel to New Orleans, 7/8/63.

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ADMINISTRATIVE:

All persons contacted during the course of this investigation were advised this investigation was being conducted at the specific request of Mr. BURKE MARSHALL, Assistant Attorney General, Civil Rights Division, U. S. Department of Justice.

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 2-Bureau 1-USA, Jackson 2-New Orleans (44-1821)		44-22471-5	MCT-1
		3 JUL 15 1963	REC-9
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS	
AGENCY	ORD	SECID - CIVIL RIGHTS	
REQUEST RECD.		SIX	
DATE FWD.	7/16/63	STAT SECT.	
HOW FWD.	694 C		
BY	ETD/mmm	1cc of synopsis CR Unit	

The attached investigation was conducted pursuant to the request of Mr. Hubbard on 7/8/63.

U.S. GOVERNMENT PRINTING OFFICE 16-70324-1
COVER A* PAGE

EXP. PROC.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: USA, JACKSON

Report of: SA CHARLES WILLIAM BONE Office: NEW ORLEANS
Date: 7/12/63

Field Office File No.: NEW ORLEANS (44-1821) Bureau File No.:

Title: JOHN LEE RAY, Deputy Chief,
Jackson Police Department,
Jackson, Mississippi; UNKNOWN
SUBJECTS, Jackson, Mississippi
Police Department; ERNEST COLUMBUS
Character: WITHERS, SR. - VICTIM

CIVIL RIGHTS

Synopsis:

Title changed to reflect identity of subject JOHN LEE RAY, Deputy Chief, Jackson, Miss. PD. M. B. PIERCE, Assistant Chief of Police, Jackson, Miss. PD, advised files reflect victim as ERNEST COLUMBUS WITHERS arrested by Deputy Chief J. L. RAY for Disturbing the Peace at 1:45 PM, 6/15/63 and was released 5:45 PM, 6/15/63 to employer THADDEUS STOKES after STOKES informed PIERCE victim was a newspaper photographer and had gotten mixed up with demonstrators that day by mistake. PIERCE said he ordered victim's release due to policy of cooperation with press and said he did not observe any indication that victim had been mistreated. Deputy Chief of Police JOHN LEE RAY, Jackson PD, advised he ordered victim's arrest 6/15/63, because victim was part of a group of several Negro demonstrators which group refused his repeated orders to disperse and move on. RAY had approximately 80 to 100 Jackson PD Officers under his command and cannot identify officers who executed his orders to arrest victim but stated he witnessed arrest, after ordering same, and did not observe victim struck or mistreated and states victim made no complaint to Jackson PD of mistreatment. PIERCE and RAY have no knowledge that victim's film was exposed or that he was denied use of a telephone after arrest. AUSA, Jackson, Miss., advised case has no prosecutive merit.

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DETAILS:

This is a limited investigation.

NO 44-1821

The following investigation was conducted jointly by SA ANDREW C. GIBSON and SA CHARLES WILLIAM BONE:

AT JACKSON, MISSISSIPPI

On July 10, 1963, Chief of Police W. D. RAYFIELD, Jackson Police Department, was contacted at the outset of this investigation and was advised that investigation was being instituted in this matter.

FEDERAL BUREAU OF INVESTIGATION

N

Date 7/12/63

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M. B. PIERCE, Assistant Chief of Police and Chief of Detectives, Jackson Police Department, Jackson, Mississippi, was interviewed at the Jackson Police Department. At the outset he was advised of the official identity of SA's GIBSON and BONE; that he did not have to furnish any information; that any information furnished must be voluntary and might later be used against him in court, and that he was entitled to consult an attorney before furnishing any information.

Chief PIERCE voluntarily furnished the following oral information:

The files of the Jackson Police Department reflect that ERNEST COLUMBUS WITHERS, a Negro male, age 40, 480 West Brooks Road, Memphis, Tennessee, was arrested on a charge of "Disturbing the Peace" by Deputy Chief of Police J. L. RAY, Jackson Police Department, at 1:45 P.M., June 15, 1963, in the 100 block of North Farish Street. The docket number for this arrest is 302-29 and reflects that he was "Released - No affidavit" at 5:45 P.M., June 15, 1963, to THADDEUS STOKES.

Chief PIERCE said WITHERS made no complaint to him or to any other official of the Jackson Police Department following his arrest, either as to the fact that he had been arrested or to allege that he had been mistreated. He said the Jackson Police Department does not have a Sergeant named LAWSON or any other employee by this name. He said officers of that department have standing instructions to allow any person arrested to use the telephone and he has no knowledge that WITHERS was denied permission to make a telephone call.

Chief PIERCE said WITHERS was one of approximately 20 individuals arrested by officers of the Jackson Police Department in the 100 block of North Farish Street on June 15, 1963, after several hundred Negroes participated in a demonstration in that area and threw bottles, bricks, and other objects at the Jackson Police Officers, who were attempting to maintain order. He noted that he was not present at the scene and has no personal knowledge of the circumstances under which WITHERS was arrested.

On 7/10/63 at Jackson, Mississippi File # NO 44-1821
by SA's ANDREW C. GIBSON & CHARLES WILLIAM BONE/lrs Date dictated 7/10/63

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Chief PIERCE said he released WITHERS outright on June 15, 1963, after WITHERS' employer, THADDEUS STOKES, came to the Jackson Police Department and informed him that WITHERS was a newspaper photographer and had gotten mixed up with the demonstrators that day by mistake. PIERCE said he did not apologize to anyone upon releasing WITHERS as he did not feel that an apology was necessary. He said it was his belief then, and is still his belief, that if WITHERS had stayed with the other members of the press who were in the area instead of mixing in with the demonstrators he would not have been arrested. He said he released WITHERS only because it is his policy to cooperate with the press in every manner possible and pointed out that during the recent racial demonstrations at Jackson, no reporters or photographers were molested by anyone but were given free reign by the Jackson Police Department to cover the demonstrations as they saw fit.

Chief PIERCE said WITHERS did not request any medical attention and made no complaint to the Jackson Police Department that he had been mistreated. He said he did not observe any indication that WITHERS had been mistreated or injured upon his release from custody. He said he has no knowledge of any film or photographs that WITHERS might have taken at Jackson, Mississippi, and has never ordered officers to expose any film that they might seize.

Chief PIERCE said he could furnish no further information regarding this matter. He said he does not desire to furnish a signed statement in this case.

Date 7/12/63

1

Deputy Chief of Police JOHN LEE RAY, Jackson Police Department, Jackson, Mississippi, was interviewed at the Jackson Police Department. At the outset he was advised of the official identity of SA's GIBSON and BONE; that he did not have to furnish any information; that any information furnished must be voluntary and might later be used against him in court and that he was entitled to consult an attorney before furnishing any information.

Chief RAY voluntarily furnished the following oral information:

On June 15, 1963, he was in command of a detail of approximately 80 to 100 officers of the Jackson Police Department, who were then being assisted by a group of approximately 75 additional officers of the Hinds County Sheriff's Office and the Mississippi Highway Safety Patrol. His assignment and the assignment of the other officers present was to disperse a group of approximately 500 to 750 individuals who were rioting in the 100 block of North Farish Street following the mourners march of persons in the funeral procession for MEDGAR EVERS, a NAACP official, who was fatally shot on June 12, 1963. He said this mob became very unruly and refused to disperse when he repeatedly ordered them to do so. He said the rioters then began to throw hottles and bricks at the officers and approximately 14 members of the Jackson Police Department were injured by these flying objects. He advised that about 40 to 50 reporters and photographers were present, but remained behind the line of police officers who were attempting to disperse the rioters. He said Mr. JOHN DOAR, a representative of the Civil Rights Division of the U. S. Department of Justice, was on the scene and Mr. DOAR spoke to the rioters and succeeded in dispersing the group.

Chief RAY said before the above group was dispersed he ordered the arrest of approximately 20 of the demonstrators. He said only those persons who refused to disperse or to obey his orders were arrested. He said most of the persons arrested cursed the officers and resisted arrest in every manner possible. He said he recalls ordering the arrest that afternoon of a

On 7/10/63 at Jackson, Mississippi File # NO 44-1821
by SA's ANDREW C. GIBSON & CHARLES WILLIAM BONE/lre Date dictated 7/11/63

Negro male carrying some type of a camera, who was later identified as ERNEST WITHERS. He said WITHERS was part of a group of several Negroes who were demonstrating and throwing objects at the police officers and before he ordered his arrest, he requested him to disperse and move on several times. He said he does not know if WITHERS resisted arrest and he did not see anyone strike or mistreat WITHERS. He said he cannot identify the particular officer or officers who executed his order to arrest WITHERS, since there were a large number of police officers present under his command as previously stated. He said WITHERS was not wearing any type of identification to indicate he was a newspaper photographer and did not protest his arrest at the time. He said since WITHERS was present with the demonstrators and was not back behind a police barricade with approximately 50 other reporters present, he had no reason to believe he was a member of the press. He said he witnessed WITHERS arrest and incarceration and did not observe anyone strike or mistreat him in any manner. He said only such force as was necessary was used to arrest WITHERS and the other persons arrested that day and he has no knowledge that WITHERS was mistreated in any manner following his arrest. He said WITHERS made no type of complaint to him concerning his arrest, did not request any type of medical aid, and had no visible injuries following his arrest. He said WITHERS was not mistreated in any manner at the State Fairgrounds Prisoner Compound or at the Jackson City Jail following his arrest. He said he has no personal knowledge of why WITHERS was released except that Chief of Detectives M. B. PIERCE of the Jackson Police Department, informed him later that day not to sign an affidavit against WITHERS since he (PIERCE) was going to release him as he was a newspaper photographer. He said WITHERS was not denied the right to use a telephone after his arrest and also said he had no knowledge of any film being taken from WITHERS following his arrest.

Chief RAY said the above is true; however, he declined to furnish this information in the form of a signed statement.

The following physical description of Chief RAY was obtained by observation and interrogation:

NO 44-1821

3

Name	JOHN LEE RAY
Race	White
Sex	Male
Date of Birth	August 12, 1919
Place of Birth	Weir, Mississippi
Height	6'1"
Weight	210
Build	Large
Hair	Grey
Eyes	Blue
Complexion	Ruddy
Employment	Employed by Jackson Police Department, Jackson, Mississippi, since September 19, 1941

NO 44-1821

On July 10, 1963, the facts of this case were discussed with Assistant United States Attorney JACK MC DILL, Southern District of Mississippi, Jackson, Mississippi. Mr. MC DILL advised in his opinion, this case has no prosecutive merit and it justifies no further investigation.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MEMPHIS	OFFICE OF ORIGIN NEW ORLEANS	DATE 6/28/63	INVESTIGATIVE PERIOD 6/24/63 - 6/25/63
TITLE OF CASE UNSUBS; JACKSON, MISSISSIPPI POLICE DEPARTMENT; ERNEST COLUMBUS WITHERS, SR. VICTIM		REPORT MADE BY SA WILLIAM H. LAWRENCE	TYPED BY cjs
		CHARACTER OF CASE CR	

REFERENCE

Memphis airtel to Bureau and New Orleans dated 6/24/63.

- RUC -

ADMINISTRATIVE DATA:

FOIA(b)7 - (D)

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: (2) - Bureau 3 - New Orleans (1 - USA, Jackson, Miss.) 1 - Memphis (44-1077)		44-22471-4	REC-53
		JUL 2 1963	EX-102
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS	
AGENCY	100-111111	<i>[Handwritten notes and stamps]</i> STAT. SECT.	
REQUEST RECD.			
DATE FWD.	7-5-63		
HOW FWD.	6-9-63		
BY	EDM		

ME 44-1077

FOIA(b)7 - (D)

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: USA, Jackson, Mississippi

Report of: SA WILLIAM H. LAWRENCE Office: MEMPHIS
Date: 6/28/63

Field Office File No.: 44-1077 Bureau File No.:

Title: UNKNOWN SUBJECT; JACKSON, MISSISSIPPI
POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR. - VICTIM

Character: CIVIL RIGHTS

Synopsis:

Victim, ERNEST COLUMBUS WITHERS, SR., male Negro, resident of Memphis, Tennessee, covered funeral of MEDGAR EVERS, slain Mississippi NAACP Field Secretary, Jackson, Mississippi, 6/15/63, as a press photographer. While taking pictures of Negro demonstration following funeral, claims was suddenly pushed and roughed up by unknown white male and immediately arrested by unknown officers of Jackson PD, who allegedly hit him around head area with billy clubs. WITHERS held in custody about 4 hours on evening of 6/15/63 but released without charge. Victim claims did not resist arrest. Claimed billy club blows broke skin on forehead and raised lumps on top and side of head. Wound healed at time of interview. Victim's story corroborated in basic detail by his son, PERRY O'NEAL WITHERS, and THADDEUS T. STOKES, Editor, "New Tri-State Defender", Memphis, Tennessee.

- RUC -

DETAILS:

This report reflects the results of a limited investigation, the basis of which is a complaint on June 24, 1963, by ERNEST COLUMBUS WITHERS, SR., resident of Memphis, Tennessee, that he had been arrested and physically mistreated by unknown officers, Jackson, Mississippi Police Department on June 15, 1963, while working as a press photographer covering racial demonstrations following the funeral of MEDGAR EVERS, slain NAACP Field Secretary of Mississippi.

1

Date 6/28/63

ERNEST COLUMBUS WITHERS, SR., on interview furnished the following quoted signed statement:

"June 24, 1963
Memphis, Tenn.

"I, Ernest Columbus Withers, Sr. make the following statement to William H. Lawrence who I know to be a Special Agent, Federal Bureau of Investigation.

"I reside at 480 W. Brooks Road, Shelby County, Tenn. (Memphis) and operate a photograph studio at 340 Beale St., Memphis.

"On morning of June 15, 1963 I went to Jackson, Miss. to attend the funeral of Medgar Evers, former National Association for Advancement of Colored People Field Secretary, which was held at the Masonic Temple on Lynch St. Jackson, Miss. I went as a press photographer with credentials from the New Tri-State Defender, Memphis, Tenn. newspaper, and for the Cleveland Call-Post, Cleveland, Ohio., The Amsterdam News, New York, N.Y. and the Afro-American, of Baltimore, Md., all Negro newspapers.

"At the end of the funeral it was announced that the City of Jackson had issued a permit, good from 12:30 PM till 2:30 PM to permit mourners to march from the masonic temple to the Collins Funeral Home on Farish St.

"I followed the line of mourners, along with Thaddeus T. Stokes, Editor, New Tri-State Defender and my son Perry Withers who was helping me with my photographing work. Perry also had a camera and took pictures in Jackson.

"When the mourners march ended, some of the crowd began to dance and sing Negro Freedom songs. The crowd began walking back toward the masonic temple, following their original route, from the Funeral home to the masonic temple.

"Stokes, my son and I followed the crowd to Farish and Capital Streets. ~~There the line of march was stopped by a police~~

On 6/24/63 at Memphis, Tennessee File # ME 44-1077

by SA WILLIAM H. LAWRENCE:cjs Date dictated 6/24/63

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ME 44-1077

2

barricade. Also a police barricade was formed behind the marchers, hemming them in about a one block area.

"About 300 to 400 people were in the crowd, mostly Negroes. No violence had thus far taken place. I was on a sidewalk taking pictures of the crowd, mostly at the head of the crowd.

"Shortly thereafter I saw a white male, in his late twenties, medium build, who tried to lunge through the police barricade. He was brandishing a large knife with a yellow handle. The Jackson Police immediately restrained this man, took his knife and marched him off away from the crowd. I took pictures of this incident.

"A few minutes thereafter, a Hinds County closed half ton truck or van backed into the barricade. The crowd began to disperse, moving away from the barricade. Another green van truck also backed in.

"Members of the Jackson Police began arresting various of the Negro demonstrators, both men and women. The police shoved and pushed the arrestees and I saw several instances where the police, unidentified by name and badge number, hit the arrestees with their billy clubs as they herded them onto the trucks.

"I took pictures of these arrests. The police began moving the crowd away from the barricade.

"Suddenly a man dressed in brown cotton clothes similar to work clothes with matching pants and shirt knocked me off the sidewalk into the street. He appeared to be of medium build and middle age. In doing this he hit me along the right side of the face with his fist. The top of my camera fell off. At the same time a Jackson Police Officer, whose identity I do not know, grabbed me and began hitting at me with his billy club. I was trying to hold on to my camera and was unable to ward off the blows with my arms.

ME 44-1077

3

"Some other officers in this area joined in herding me into one of the vans and proceeded to hit me with their billy clubs as I proceeded to the van.

"A workman with a Hinds County Miss. arm band opened the back door of the van and I was pushed into it. About 14 or 15 Negroes were already in the van. Shortly thereafter a white man in his late thirties, allegedly from Brooklyn, N.Y. was also put into the van. He was being hit by Jackson officers as he entered the van. He had a black mourners band on his arm.

"The blows received by me were mostly around the shoulders and on the back, top and front of the head.

"After getting on the van I wiped blood from my forehead where the skin had been broken by one of the blows.

"While in the van I stood up to straighten my clothes at which time one of the officers, in uniform, jabbed me in the back with a stick or billy club.

"One of the Negro female arrestees, identity not known, suggested that I'd been arrested because I was taking pictures of preceeding arrests and that the police would undoubtedly confiscate my film. She suggested that I give my film to one of the women for safe keeping as the police did not search the women.

"I gave this roll of film to one of the women on the van. I do not know her identity. She was a young brown skinned Negro wearing a white dress and seemed to have been previously arrested as she seemed to know the arrest procedure in Jackson.

"When the van arrived at the Fairgrounds, we were unloaded at an outside shelter area where officers booked us. I was searched by officers in uniform one of whom asked me for my film. I told him that all of my film was in a paper sack which I had. He said that he wanted the film that I'd given to a Negro girl on the van. He then gave me a complete search.

ME 44-1077

4

"Later the arrestees were lined up against the wall, the women on one side, the men on the other, with our heads against the wall. Someone came along punching up in the back with a stick, warning us not to try to turn around.

"I remained at the Fairgrounds about one hour to one hour and fifteen minutes.

"Thereafter 4 white prisoners, including a Reverend King and a white professor, named Salter, the white man from Brooklyn and a young white man, myself and 4 other Negro males were taken to the main police headquarters where we were again searched and turned in our personal property to the desk sergeant. The headquarters officers would not let us use the phone. We were locked up in cells and I remained there until about 6 PM when I was released. I was not given any medical treatment. I did not ask for any treatment other than headache tablets. One of the officers gave me the tablets, that I had in my personal property.

"At about 6 PM Thaddeus Stokes came for me. I was taken to the desk sergeant, named Lawson, given my personal property including my camera. Also Lawson gave me 2 additional rolls of film which he said he thought had been taken from me and from the woman on the van, to whom I'd given the film. This film had been exposed and would have included shots of some of the arrests near the barricade.

"No charges were placed against me. None of the officers who arrested me or hit me had any badge numbers visible and I was thus unable to identify any of them. I wish to add that when I was arrested my left coat arm was torn off. Minor damage was done to my camera where the head was knocked off. It was a MamiyAFlex 120 Camera.

"I Have Read this statement of this and 8 other Pages. It is true & correct.

/s/Ernest Columbus Withers Sr.

"Witness: /s/William H. Lawrence, Special Agent, FBI, Memphis, Tenn. 6/24/63."

ME 44-1077

5

WITHERS orally added that he was arrested early in the afternoon of June 15, 1963, and was held in jail a total of 4 hours. He was fed at the city jail and not mistreated there.

He claimed that at no time did he offer the arresting officers any physical resistance.

WITHERS added that on arriving in Memphis, Tennessee, on the night of June 15, 1963, he treated his forehead cut with witch hazel and that it has since completely healed.

He added that he has a slight swelling behind his left ear, where he was struck by a billy club and that the swelling has subsided where billy club blows were received on the back, side and top of his head. He said that he incurred no injuries on any other part of his body.

During the interview, WITHERS furnished the following descriptive data concerning himself:

Name	ERNEST COLUMBUS WITHERS, SR.
Residence	480 West Brooks Road, Shelby County, Tennessee.
Business	Self employed photographer; office - 340 Beale Street, Memphis, Tennessee
Sex	Male
Race	Negro
Born	August 7, 1922
Height	5'11"
Weight	180
Hair	Black
Eyes	Brown
Complexion	Brown
Characteristics	Wears moustache
Military service	U. S. Army April 6, 1943 - December 6, 1945; honorable discharge. Army SN 34713142.

1Date 6/28/63

SA WILLIAM H. LAWRENCE observed ERNEST COLUMBUS WITHERS, SR.; however, no cuts or abrasions were observed on his forehead. A slight swelling was noted directly behind his left ear. The skin was not broken. No swelling was observed on the top side or rear of his head.

Color photographs were taken of the front facial area of WITHERS and of the left side of his facial area.

On 6/24/63 at Memphis, Tennessee File # ME 44-1077

by SA WILLIAM H. LAWRENCE:cjs Date dictated 6/24/63

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Date 6/28/63

PERRY O'NEAL WITHERS, on interview, furnished the following quoted signed statement:

"Memphis, Tenn.
June 25, 1963

"I, Perry O'Neal Withers, make the following statement to Robert F. Pickard and William H. Lawrence, known to me as Special Agents, Federal Bureau of Investigation.

"I am a student at Howard University and currently am on summer vacation at my home 480 W. Brooks Road, Memphis, Tenn. I help my father, Ernest Columbus Withers, Sr. who is a professional photographer with offices at 340 Beale St. Memphis, Tenn.

"On 6/15/63, I helped my father take photographs in connection with the funeral of Medgar Evers, slain NAACP Field Secretary, which services were held on that day in Jackson, Miss. I photographed a group of mourners who went from Memphis to Jackson by bus.

"I met my father at the funeral. Following the funeral, we followed the funeral procession from the masonic temple to the Collins Funeral Home, this procession taking place under an official city permit.

"Some of the mourners apparently decided to continue to march from the funeral home. Most of them who did so were young Negroes plus a few white people. The marchers sang as they marched. They started marching toward the downtown area and succeeded in walking about 4 blocks before they were surrounded, and more or less sealed off in a one block area, by officers of the Jackson, Miss. Police Department. During this march I occasionally heard glass break as though bottles were being thrown although I saw no one throw any bottles.

"After the officers sealed off the marchers, estimated to be 5 to 6 hundred in number, the marchers seemed to lose their enthusiasm. Some of them, apparently their leaders, identities not known, yelled to the marchers to 'step it up'

On 6/25/63 at Memphis, Tennessee File # ME 44-1077

by SA ROBERT F. PICKARD, and
SA WILLIAM H. LAWRENCE:cjs Date dictated 6/26/63

ME 44-1077

2

and seemed to encourage them to show more action.

"Some of the marchers then got out in front and came extremely close to a wall of Jackson policemen who had lined the street as a human barricade. Up to this point my father and I, along with Mr. Thaddeus T. Stokes, editor of New Tri-State Defender, Memphis newspaper, had been watching the demonstrators from the sidewalk, and my father and I had taken pictures of the crowd.

"Some of the marchers, mostly women, got awfully close to the officers and dared them to shoot them, in a sarcastic fashion.

"I remember a white male in his late 40's, slim and tall, about 6 feet tall who came from within a group of onlookers and tried to crash through the police barricade toward the marchers. He was brandishing a long bladed knife in a menacing fashion. Some of the police grabbed this man and apparently disarmed him and marched him away from the scene of action.

"About this time several motor vehicles of a van type, appeared in the area. One of them was backed up to the police barricade.

"The police had started to arrest some of the marchers, and I remember officers coming close to me to arrest a Negro woman who had been taunting them. She offered some resistance and it took about 3 officers to arrest her. They used billy clubs to hit her around the head and shoulder area. They started to load the van with prisoners.

"We tried to get through the police barricade in order to join a group of other newsmen who we saw behind the barricade, but the police wouldn't let us through. In fact, even before the arrests started, we had attempted to get past the barricade in order to get better photographs and news coverage, but the police, repeatedly, had not allowed us to cross the barricade.

"I was still walking close to my father and suddenly saw a large white male, dressed in a short sleeve khaki colored shirt and matching pants pushing and shoving

ME 44-1077

3

my father towards one of the vans. He was pushing or hitting at my father's throat. At this point several police officers standing near the van grabbed my father and pushed, shoved and hit him. I actually remember seeing two different officers hit him across the head with billy clubs. My view was then obstructed and I lost sight of my father. He did not resist the arrest.

"The white male who originally grabbed my father appeared to be in his 40's or late 30's, was prematurely bald and over 6 feet tall and had a large build with hairy arms. I do not know if he was an officer or city or county employee or whether he was a civilian. I did not see his face, seeing only his back area.

"We moved out of the area and Mr. Stokes made several subsequent phone calls, in an effort to learn what had happened to my father. Several hours later Mr. Stokes learned that my father was being held at the Jackson, Miss. Police Department.

"Dad was released about 6 PM to 7 PM the same day.

"When I first saw him upon his release I could see a swelling on his forehead where the skin was broken and which area contained dried blood. I also observed several lumps or swollen places on the back of his head and a swollen area behind his left ear, where he said he'd been hit by police with billy clubs.

"The area of his coat around the arm pit had been ripped loose and his face was dirty and his clothes badly mussed.

"I doubt if I could identify any of the officers who arrested or mistreated my father.

"I wish to add that while near the scene of action I observed the police arrest several marchers, all Negroes, both men and women. On several occasions I observed the officers

ME 44-1077

4

hit the arrestees with their billy clubs despite the fact that the arrestees, to my knowledge, offered no resistance to arrest. I do not know the identities of the officers above mentioned.

"I have read this and six other pages of this statement. It is true and correct to the best of my knowledge and recollection.

/s/Perry O'Neal Withers

"Witness

/s/Robert F. PICKARD, Spec. Agt. F.B.I., Memphis, Tenn.

/s/William H. Lawrence, Special Agt. FBI, Memphis, Tenn. 6/25/63"

1

Date 6/28/63

THADDEUS T. STOKES, Editor, "New Tri-State Defender," weekly Negrone newspaper, Memphis, Tennessee, with offices at 236 South Wellington Street and residing at 1806 Edmundson Street, both Memphis, Tennessee, orally advised as follows:

On June 15, 1963, STOKES went to Jackson, Mississippi, in his capacity as a newspaper man to cover and attend the funeral of MEDGAR EVERS, slain NAACP Field Secretary of Mississippi. He was accompanied by ERNEST COLUMBUS WITHERS, SR., a free lance photographer who had planned on taking pictures for the "New Tri-State Defender"; the "Cleveland Call Post", the "Afro-American", Baltimore, Maryland; and "Amsterdam News", New York, New York.

WITHERS took various photographs at the funeral. At the end of the funeral service it was announced that the city of Jackson had issued a permit to allow the EVERS mourners to walk or march with the funeral procession for a distance of about 2 miles to the Collins Funeral Home.

At the funeral STOKES and WITHERS were joined by WITHERS' teen-age son, PERRY O'NEAL WITHERS, who was also taking photographs for his father.

This trio followed the funeral procession to Collins Funeral Home. The crowd milled around the home until one of the morticians announced that the casket was closed and would not again be re-opened for public viewing.

Almost immediately one to two hundred young Negroes, mostly teenagers, began to assemble in a seemingly spontaneous fashion.

STOKES and the two WITHERS, sensing a possible demonstration, followed this group in order to get a possible news story and news photographs. This group of marchers was soon joined by a couple hundred other marchers. The group moved 2 or 3 blocks toward the downtown area of Jackson. Upon reaching Capital Street, members of the Jackson, Mississippi Police Department formed a human barricade across a street intersection. The police stood shoulder to

On 6/25/63 at Memphis, Tennessee File # ME 44-1077

by SA ROBERT F. PICKARD and
SA WILLIAM H. LAWRENCE:cjs Date dictated 6/26/63

ME 44-1077

2

shoulder, wearing light blue shirts, dark blue pants and blue helmets.

"Before the barricade was set up part of the marchers had been running. The marchers were chanting, singing, and making loud noises. Someone in the crowd said the marchers were trying to force their way downtown.

Up to this point, ERNEST WITHERS, his son, and STOKES had been walking along slightly in front of the marchers, but staying on the sidewalk. STOKES said he sensed the possibility of trouble and kept looking for a taxi which might take his group back to the area of the masonic temple where his car was parked.

The marchers were very emotional, singing loudly and dancing. The songs were "Freedom type songs," some of the words being "We'll overcome some day". He recalled two unidentified Negro women doing a frantic almost vulgar dance at the head of the marchers. They nearly brushed against the police as they did so.

To this point, none of the officers took any action, all standing at attention with night sticks or billy clubs held across the fronts of their bodies.

STOKES kept telling the two WITHERS to stay close to him and to stay on the sidewalk away from the marchers. He was particularly concerned about PERRY WITHERS, a teenager, fearing that he might mistakenly be identified as one of the demonstrators if any trouble developed.

Suddenly I saw a white male, about 40 to 50 years of age, rush up from behind the police barricade. He was brandishing a long bladed knife and attempted to crash through the police apparently to get to the Negro demonstrators. The police immediately grabbed this man and forcibly carried him away. The police hit him around the head and shoulders with night sticks in their efforts to restrain him.

ERNEST WITHERS and his son photographed this incident.

By this time STOKES could hear rocks and bottles being thrown toward the police and noticed that they were being thrown

ME 44-1077

3.

by Negro demonstrators. He heard one Negro, not identified, say that he did not care whether he hit the police or other Negroes; that he was so "worked up", he just wanted to hit someone. This coupled with the general high emotional pitch of the crowd gave STOKES to believe that real trouble might soon develop. STOKES told the two WITHERS that they had better get out of the area, over behind the police barricade where he could see a group of white newsmen.

Suddenly he heard someone, apparently a police officer, talking through a microphone or loud speaker, tell the crowd of demonstrators words to the effect: "The permit for a parade is ended - Disperse." This was repeated several times. The Negroes seemingly paid no attention to the announcement.

STOKES and the two WITHERS tried to get through the police barricade and away from the immediate scene but the police would not let them through.

They had no identification cards or other markings on their person or clothing to indicate they were connected with the Press.

Suddenly several improvised type trucks backed up to the back of the police barricade and the police started moving toward the demonstrators. Several of the police grabbed a Negro woman apparently to arrest them. One of the women grabbed was one of the Negro women who had been doing a violent dance near the police and was one of those who had, in a sarcastic manner, dared the police to shoot them. These women were herded into the vans by the police.

STOKES also saw the police arrest a tall thin young Negro male, wearing khaki pants, and roughly throw him into a van.

PERRY WITHERS had climbed a phone or utility pole to photograph these arrests. ERNEST WITHERS was also photographing.

ME 44-1077

4

In the meantime the police kept telling the demonstrators to "move on, Move on", trying to induce them to disperse.

A police officer politely told STOKES to get back away from the crowd. STOKES ordered PERRY WITHERS to come down from the pole and stay close to him.

Suddenly STOKES noted that 2 or 3 police officers had grabbed ERNEST C. WITHERS, having pulled his feet off the ground. They had his arms locked and were dragging him away towards one of the prisoner vans.

STOKES started to complain to one of the other officers that WITHERS was a legitimate press photographer, but was unable to finish his complaint because another officer shoved a night stick in his back and ordered him to move on.

STOKES grabbed PERRY WITHERS and they started moving away from the area.

By this time all he could see was a mass of humanity with the police swinging night sticks at people nearby and bottles and bricks being thrown at the police.

STOKES said he personally did not see the police hit ERNEST WITHERS. He did see the police hit two Negro women with billy clubs, but could not identify the women or the police.

He said that in all fairness, he could not say that the police used more force than necessary. He recalled that a policeman grabbed one Negro woman who was standing up against a building. She attempted to draw away from the policeman and he grabbed her arm and stuck a billy club under her neck to restrain her. Another policeman grabbed her by the hair and raised his billy club as though to hit her. The first officer verbally admonished and restrained him by saying such action was not necessary.

STOKES and PERRY WITHERS spent the next several hours trying to contact the chief of Jackson Police and other

ME 44-1077

5

ranking officers attempting to learn what had happened to ERNEST WITHERS. Finally, late in the afternoon, STOKES got in contact with one (FNU) PEARCE, the Chief of Detectives, who arranged for WITHERS' release. PEARCE was apologetic and said he was sorry that WITHERS had been arrested and released WITHERS without any charges being placed against him. This was about 5:45 to 6:00 p.m.

When STOKES first saw WITHERS at the police station, he observed that he had a swelling on his forehead and that the skin around the forehead was broken and contained dried blood. He had a bloody handkerchief.

The left arm of his coat was badly ripped and STOKES felt a knot or lump around the left side of WITHERS' head and a knot behind his left ear. WITHERS said these injuries resulted from his being hit by the police billy clubs.

STOKES advised that he was getting ready to leave town and due to time limitations did not desire to furnish a written statement.

7/8/63

Airtel

To: SAC, New Orleans (44-1521)

From: Director, FBI

REC-54 44-22471-3

UNSUBS, JACKSON, MISSISSIPPI
POLICE DEPARTMENT
ERNEST COLUMBUS WITHERS, SR. - VICTIM
CR
OO: NEW ORLEANS

ReMErep 6/28/63 and NOairtel 6/27/63.

This has been referred to CRD and it requests New Orleans Office attempt to identify arresting officers and interview them and attempt to determine circumstances under which victim arrested and held namely if because he was taking photographs or if it was because he was believed to be a demonstrator.

Advise appropriate officials at the outset and others contacted that this investigation is being conducted at the specific request of Mr. Burke Marshall, AAG, CRD, USDJ. Handle pursuant to Manual of Instructions, Section 27.

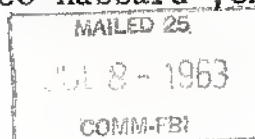
Surep within five days of receipt of this airtel indicating therein that this is a limited investigation.

1- Memphis (information)

EJM:raw
(5)

NOTE: Per Maceo Hubbard, CRD, 7/5/63.

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holloman _____
Gandy _____



62 JUL 11 1963

MAIL ROOM ☒ TELETYPE UNIT ☐

F B I

Date: **6/27/63**

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, NEW ORLEANS (44-1821)

RE: UNSUBS, JACKSON, MISSISSIPPI
POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR. - VICTIM
CR
OO: New Orleans

Re Memphis airtel, 6/24/63.

Paragraph 3 page 1 of reairtel states victim followed mourners on parade to Collins Funeral Home and on the return march toward the Negro Masonic Temple.

In connection with the case "DESEGREGATION OF JACKSON, MISSISSIPPI BUSINESS ESTABLISHMENTS AND PUBLIC FACILITIES, RM", (NO File 157-1123), a letterhead memorandum dated 6/19/63, starting at page 5 shows the following:

A permit was granted by the City of Jackson for mourners of the MEDGAR EVERS' funeral to conduct a procession from the Masonic Temple to the Collins Funeral Home on Farish Street in Jackson.

There was no permit issued for a return procession from the Collins Funeral Home.

This same letterhead memorandum shows that the group that started at the Collins funeral Home and stopped at a police barricade at Capitol and Farish Streets at about 1:20 PM, 6/15/63 was not a procession, but an estimated group of 750 persons out of control who threw bottles and the like, at police officers, and resulted in the Jackson City Police and the

3-Bureau
1-Memphis (Info)
2-New Orleans
RWJ:lam (6)

REC- 54

44-22471-3

~~10 JUL 1 1963~~

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NO 44-1821/lam

Mississippi Highway Patrol in forcing these demonstrators back towards the Collins Funeral Home. This group of demonstrators were persuaded to disperse by Departmental Attorney, JOHN DOAR who was on the scene.

This letterhead memorandum further shows that one of the persons arrested at the time of this demonstration on Farish Street was an ERNEST COLUMBUS WITHERS, Negro Male, age 40, 480 West Brooks Road, Memphis, Tennessee, occupation - photographer, born August 7, 1922, Memphis, Tennessee and arrested for "Disturbing the Peace".

It is further noted that in connection with the persons arrested on Farish Street, 6/15/63, Mr. JOHN DOAR, mentioned previously, advised the New Orleans Office that on 6/16/63, he had interviewed those persons arrested 6/15/63 who had allegedly been mistreated and was requesting no Civil Rights investigation in connection with their arrests.

As the victim indicates he was released by the Jackson Police at 6:00 PM, 6/15/63, it does not appear he was one of the individuals interviewed by Mr. DOAR; however in view of the circumstances involved, it is requested that Mr. DOAR or someone else in the Department, be contacted as to whether they desire an investigation in this matter.

New Orleans conducting no investigation, UACB.

PLAIN TEXT

7-3-63

AIRTEL

URGENT

To: SAC, Memphis;
New Orleans 29

From: Director, FBI *REC-29* *7-4-22471-2*

Subject: UNSUBS; JACKSON, MISSISSIPPI POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR., - VICTIM
CIVIL RIGHTS

OO NO

Re Memphis airtel 6/26/63.

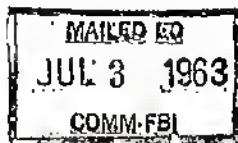
Enclosed for Memphis is one set of prints, negatives
and film holders.

Enclosed for New Orleans are two sets of prints.

One set of prints forwarded Civil Rights Division
and one set retained in Bufilee.

Enclosures (9)

EJM:mem
(6)



JUL 2 11 13 AM '63

REC'D - CIV RIGHTS

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

179
62 JUL 12 1963
MAIL ROOM ☒ TELETYPE UNIT ☐

F B I

Date: 6/26/63

Transmit the following in PLAIN TEXT
(Type in plain text or code)Via AIRTEL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI ATTENTION: PHOTOGRAPHIC SECTION

FROM: SAC, MEMPHIS (44-1077) (P)

SUBJECT: UNSUBS; JACKSON, MISSISSIPPI
POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR., - VICTIM
CR

OO: NEW ORLEANS

Re Memphis airtel to Bureau and New Orleans,
6/24/63.

Enclosed herewith is one speedgraphic film pack
containing 2 exposed color negatives taken of the head area
of victim on 6/24/63.

Bureau is requested to develop this film and make
5 copies of each exposure to be routed as follows:

1. Bureau will keep 2 copies each, one of which
will be forwarded to Civil Rights Division of U. S. Justice
Department upon receipt of Memphis investigative report;
2. Bureau will send 2 copies each to New Orleans,
one for retention in case file and one to be furnished by
New Orleans office to U. S. Attorney, Jackson, Mississippi;

FOIA(b)7 - (D)

It is noted that at the time photographs were taken
no injuries were visible on WITHERS.

Airtel.....
Teletype.....
A. M.....
A. I. S. D.....
S. D. Del.....
Reg. Mail.....
Registered.....

3 - Bureau (Enc. 1) (RM)
1 - New Orleans (Info)
1 - Memphis
WHL:mvd
(5)

Approved: _____
Special Agent in Charge

ENCLOSURE

ATTACHED

Special Agent in Charge

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

Sent 2 sets of prints per

EVIDENCE

TO: DIRECTOR, FBI
FROM: SAC, MEMPHIS (44-1077)
RE: UNSUBS; JACKSON, MISSISSIPPI POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR., - VICTIM
CR

Enclosed herewith is one speedgraphic film pack containing 2 exposed color negatives taken of head area of victim, 6/24/63.

EXPOSED FILM

117

44-22471-2

1967 JUN 24



FBI

Date: 6/24/63

Transmit the following in PLAIN
(Type in plain text or code)Via AIRTEL AIR MAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI
SAC, NEW ORLEANS

FROM: SAC, MEMPHIS (44-New) (P)

SUBJECT: UNSUBS; JACKSON, MISSISSIPPI
POLICE DEPARTMENT;
ERNEST COLUMBUS WITHERS, SR., - VICTIM
CR

OO: NEW ORLEANS

FOIA(b)7 - (D)

WITHERS, accompanied by his son, PERRY WITHERS and THADDEUS T. STOKES, editor New TriState Defender, Memphis weekly Negro newspaper, went to Jackson, Miss., 6/15/63 to attend funeral of MEDGAR EVERS, NAACP Field Secretary, and had press credentials of New TriState Defender, Cleveland, Ohio Call Post, Amsterdam News, New York, New York and Afro-American, Baltimore, Md.

Following funeral WITHERS followed mourners on parade to Collins Funeral Home and on their return march toward Negro Masonic Temple.

Jackson Police Department set up barricades at Capitol and Parish Streets and started arresting paraders and demonstrators, both white and Negro.

Unknown white male knocked WITHERS into street following which he was arrested by several Jackson Police Department officers and claimed was hit over head and shoulders with billy clubs, put into a van type truck and taken to fairgrounds detention compound.

Airtel _____
Teletype _____
A. L. _____
A. H. S. E. _____
Spec. Del. _____
Reg. Mail _____
Registered _____

5 03 54 P.M.
Bureau (RM)
New Orleans
Memphis

MCI 46N
REC-3844-22471-1
JUN 26 1963

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

55 JUL 2 1963
C.E. Wier

ME 44-New

Immediately prior to arrest WITHERS took photos of police arresting a white male brandishing a knife. Also photographed police arresting several Negroes, said photos showing police hitting arrestees with billy clubs.

En route to fairgrounds WITHERS gave his film to unknown female arrestee for safe keeping, but later learned police allegedly recovered film and exposed same.

WITHERS was booked at fairground detention area and then taken to City Jail along with white arrestees, a Rev. (FNU) KING and a Professor (FNU) SALTER, a white male from Brooklyn, New York and another young white male wearing EVERS' s mourner arm band. Four other male Negroes also taken to city jail. There WITHERS searched and held in cell until about 6 P.M., 6/15/63 when released on orders of Chief of Detectives (FNU) PEARCE, after PEARCE contacted by THADDEUS STOKES. Not mistreated in jail and no formal charges placed against him.

During initial arrest WITHERS suffered slight cut on forehead and swellings on top and side of head where hit by billy club. Advised he doubts if he could identify any officers who hit him. Advised was also hit at outset by middle age white male wearing tan cotton work clothes, possibly a Hinds County employee. Preliminary investigation being instituted. THADDEUS STOKES and PERRY WITHERS will be interviewed in Memphis.

WITHERS advised he originally did not intend to make complaint but was advised to do so by Memphis Negro Attorney RUSSELL BERTRAM SUGARMON, JR., prominent NAACP attorney who met with President JOHN F. KENNEDY 6/21/63 along with numerous other attorneys to discuss racial problems.

LEADS

THE NEW ORLEANS DIVISION

AT JACKSON, MISSISSIPPI

Will conduct preliminary investigation.